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TRANSMITTAL FORM

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		Application Number	10/681,765
		Filing Date	October 8, 2003
		First Named Inventor	Holger Winkelmann
		Art Unit	1745
		Examiner Name	Alix E. Echelmeyer
Total Number of Pages in This Submission		Attorney Docket Number	8540G-000161 (GP-302839)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Anna M. Budde Jennifer M. Woodside Wojtala	Reg. No. 35,085 50,721
Signature			
Date	November 9, 2006		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Anna M. Budde / Jennifer M. Woodside Wojtala	Express Mail Label No.	EV 757 778 318 US (11/9/2006)
Signature		Date	November 9, 2006

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EV 757 778 318 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/681,765

Filing Date: October 8, 2003

Applicant: Holger Winkelmann

Group Art Unit: 1745

Examiner: Alix E. Echelmeyer

Title: METAL HYDRIDE HEATING ELEMENT

Attorney Docket: 8540G-000161 (GP-302839)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed October 11, 2006, the Examiner has determined that Claims 1-32, as originally filed, are subject to a restriction requirement pursuant to 35 U.S.C. §121. The Examiner has required restriction to one of the following inventions:

- I. Claims 1-30 drawn to a fuel system, classified in Class 429, subclass 26; and;
- II. Claims 31-33 drawn to a method of heating a fuel cell system, classified in Class 429, subclass 13.

In addition, the Examiner has required that if elected, Claims 1-30 (Group 1) are subject to an election of species requirement.

Response to Restriction Requirement

Applicant traverses the restriction requirement as the examination of both Groups I and II will not pose an undue burden on the Examiner. However, Applicant hereby elects to prosecute the claims corresponding to Group I (Claims 1-30) in the above identified application, drawn to a fuel cell system.

Additionally, the right is hereby reserved to file further continuation and/or divisional patent applications for this subject matter and Applicant is not, in any manner, waiving or abandoning any rights to this subject matter.

Response to Election Requirement

The Examiner has required that if Claims 1-30 corresponding to Group 1 are elected, these claims would be further subject to an election of species requirement. Thus, the Examiner requested identifying the species within Group I claims, as follows:

a. Claims 12-16, drawn to the material of the body. Election of one material selected from the following: a polymeric composite (claim 12), aluminum, magnesium, titanium, nickel, stainless steel, or alloys or mixtures (claims 13 and 14), or AlMg₃ (claim 16) is required.

b. Claims 17 and 18, drawn to an equilibrium pressure for the absorption of hydrogen. Election of one of claims 17 and 18 is required.

c. Claims 22-28, drawn to the metal alloy, M, for reacting with and storing hydrogen. Applicant is required to elect a distinct material among those listed in claims 22-28 for examination.

Applicant is further required to select either AB_2 or AB_5 and the specific components for each of A and B.

Further, the Office Action indicates that Claims 1-11 and 19-21 are generic.

Applicant hereby elects the following species for prosecution on the merits:

- a. A body of the heating element that is constructed of an $AlMg_3$ material.
- b. A hydrogen storage medium that has an equilibrium pressure for absorption of hydrogen of less than about 5 atm at 25°C.
- c. A metal alloy represented by M comprising a composition of $LaNi_5$, which corresponds to a nominal general formula: AB_5 , where A is lanthanum and B is nickel.

Applicant submits that each of Claims 1-11, 13-23, and 29-30 read upon the elected species. In particular, Applicant notes that in electing species "b" where an equilibrium pressure for absorption of hydrogen is less than about 5 atm at 25°C, both Claims 17 and 18 are generic to this species. Claims 12 and 24-28 are not readable upon the elected species.

If no generic claim is held to be allowable, then the right is hereby reserved to file continuation and/or divisional patent applications for any non-elected or restricted subject matter, should it become necessary, and Applicant is not, in any manner, waiving or abandoning any rights to this subject matter.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action. Thus, prompt and favorable consideration of this Response is respectfully

requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 9, 2006

By: Anna M. Budde/Jennifer M. Woodside Wojtala

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